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In my article I assumed (p. 167) that the Lex Papia was a somewhat extensive measure, of which we might be fairly sure of two clauses: (1) "one who had used the rights of *civitas Romana* without legal qualification might be prosecuted," and (2) "all foreigners in Rome who did not have residence (i.e., legal residence, see *Codex*, x, 40, 7, and Poste's *Gaius*, 4th ed., pp. 297-98) in Italy should be expelled." Both provisions may have been parts of one piece of legislation, as I have assumed, or they may not, but the one certain thing is that the second of the two provisions contains no grounds for a criminal action. It is a genuine *ξενιασία*, and probably resembled earlier enactments on the same subject in granting the privilege of a hearing before a praetor to those who claimed that they were unjustly threatened with expulsion (Mommson, *op. cit.*, p. 858). But the first provision took cognizance of a definite act that was illegal, namely, the assumption of the rights of *civitas Romana* by persons to whom it had not been granted in any one of the ordinary ways. Against this act a criminal prosecution was permitted, either to the state in which the illegal act was done, or to a person who voluntarily assumed the burden of prosecution. If the defendant was found guilty, he was prohibited from further exercise of the rights of a Roman citizen. Possibly he was then subject to the terms of the *ξενιασία* to which Cicero and Dio Cassius refer.

This distinction will be quite clear, I think, if one reads the whole passage in the *De officiis* treating of the Papian legislation: "Male etiam, qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive, qui civis non sit, rectum est non licere; quam legem tulerunt sapientissimi consules Crassus et Scaevola; usu vero urbis prohibere peregrinos sane inhumanum est."

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HERMES' RÔLE IN *ILIAD* B 201

Professor Finsler, *Homer*³, p. 5, referring to this verse, B 201, says: "Daraus geht unwiderleglich hervor, dass in unserer Reihe Hermes der Vater des Pelops ist. Es wäre auch nicht abzusehen, warum er genannt sein sollte, wenn nicht eben in dieser Eigenschaft." Mr. Thompson, *Studies in the Odyssey*, p. 144, expresses the same idea in these words: "The Handing Down of the Scepter in the second book of the *Iliad* evidently follows a tradition according to which Pelops was the son of Hermes, while Hermes is the son of Zeus."

Pelops is named nowhere else in Homer, so it is impossible to establish or destroy this hypothesis by a Homeric parallel; however, very early there was a well-established tradition that Pelops was the son of Tantalus; see *Cypria* Frag. xi (Oxford edition):

αἴψα δὲ Λυγκεὺς

Ταύγετον προσέβαινε ποσὶν ταχέεσσι πεποιθώς.

ἄκρτατον δ' ἀναβὰς διεδέρεκετο νῆσον ἄπασαν

Τανταλίδου Πέλοπος.

The fact that Pelops is here named by the archaic patronymic Tantalides argues for great antiquity of this tradition, and, unless there be cogent contrary evidence, the presumption must be that this early tradition is in harmony with Homer. This evidence also must come from Homer himself, since there is no other source. The complete context in Homer is as follows:

B 100:

ἀνὰ δὲ κρείων Ἀγαμέμνων
ἔστη σκῆπτρον ἔχων· τὸ μὲν Ἡφαιστος κάμε τεύχων.
Ἡφαιστος μὲν δῶκε Διὶ Κρονίῳ ἀνακτι,
αὐτὰρ ἄρα Ζεὺς δῶκε διακτόρῳ ἀργειφόντῳ·
Ἑρμείας δὲ ἀναξ δῶκεν Πέλοπι πληξίππῳ, κτλ.

In the verse which tells that Zeus gave the scepter to Hermes the particle *ἄρα* is used, but is not used in any other verse in this long description. Why was it a "natural" thing or a thing "to be expected" that Zeus would hand over this scepter to Hermes? Zeus had many other sons and he might have thus honored any one of them, so that it was not "a matter of course" that it should have passed to Hermes. This particle has no meaning here unless Zeus is performing an expected act and Hermes is filling his usual function. What is this usual function? Homer does not leave us in doubt and Zeus himself says to Hermes as he sends him to bear o Calypso the orders for the release of Odysseus:

ε 29:

Ἑρμεία· σὺ γὰρ αὖτε τά τ' ἄλλα περ ἀγγελὸς ἔσσι·

If Zeus wished to have a scepter given to a mortal sovereign, to whom would this service be intrusted? The particle *ἄρα* gives the answer. It was this same Hermes who obeyed the command of Zeus and conducted Priam into the presence of Achilles, who did a like service in carrying to Calypso the order to release the impatient Odysseus, and it was he who showed to Odysseus the potent herb, moly. Why did he carry the kingly scepter to Pelops and not to Tantalus? Just because the royal power was not traced to Tantalus but to the son, Pelops.

The Homeric functions of Hermes and the use of the particle *ἄρα* show that Hermes was here regarded as performing his regular service of intermediary between Zeus and men.

Hermes has a place in this series in *Iliad* B because he carried the divine authority from a divine to a human king and not because of any assumed kinship with Pelops.

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THE GREAT CONTRADICTION IN THE *ILIAD*

The fact that Achilles was not persuaded to lay aside his anger by the ambassadors and the proffered gifts of Book ix, but in spite of them still awaited satisfaction from Agamemnon and the Greeks in Books xi and xvi was